

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:18-CV-077-RJC-DCK**

BOB L. GERMAIN, JR.,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
TODAY'S AUDIO/VIDEO INC., and)	
DARREN MULHOLLAND,)	
)	
Defendants.)	
)	

THIS MATTER IS BEFORE THE COURT regarding Defendants' "Motion To Dismiss" (Document No. 6) and "...Motion For Expedited Discovery" (Document No. 7) filed May 30, 2018. These motions have been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. After careful consideration of the motions, the record, and applicable authority, the undersigned will deny the motion for expedited discovery and require Defendants to file a reply brief in support of their motion to dismiss.

The undersigned observes that Plaintiff has filed responses to the pending motions; however, Defendants have failed to file reply briefs or notices of intent not to reply. See (Document Nos. 10 and 11) and Local Rule 7.1(e). In addition, the undersigned notes that Defendants' "...Motion For Expedited Discovery" fails to indicate that the parties consulted as required by the Local Rules. See Local Rule 7.1(b) ("A motion that fails to show that the parties have properly conferred or attempted to confer may be summarily denied.").

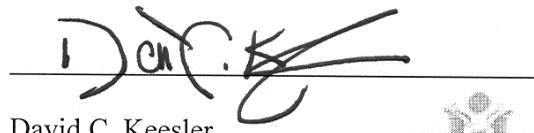
The undersigned finds that if the parties had properly conferred, they may have resolved, or at least narrowed, the issues before the Court.

IT IS, THEREFORE, ORDERED that Defendants shall file a reply brief in support of their “Motion To Dismiss” (Document No. 6) on or before **July 13, 2018**.

IT IS FURTHER ORDERED that the “...Motion For Expedited Discovery” (Document No. 7) is **DENIED WITHOUT PREJUDICE**. Defendants may file a renewed motion, if necessary, following consultation with opposing counsel as required by Local Rule 7.1(b).

SO ORDERED.

Signed: July 5, 2018



David C. Keesler
United States Magistrate Judge

